

## MEETING #18- June 7

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on June 7, 2017 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman  
Jonathon Weakley, Vice-Chairman  
Robert Campbell, Member  
Kevin McGhee, Member  
Charlotte Hoffman, Member  
V. R. Shackelford, III, County Attorney  
Daniel J. Campbell, County Administrator  
Betty Grayson, Zoning Administrator

### Planning Commission:

#### **Call to Order**

#### **Pledge of Allegiance & Moment of Silence**

#### **1. Determine Presence of a Quorum**

Mr. Yowell, Commission Chair, noted that a Quorum was present.

#### **2. Approval of Minutes**

The minutes of the May 3, 2017 meeting were approved as presented.

#### **3. Action Items:**

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

40-77B                      a. Case No. S-06-17-08: Request by O.F. Carpenter Co., LLC for a plat of a subdivision of land to create one (1) lot with residue. The residue of 40-77B is on the Northbound Lane of Route 29. The new lot will be on the Southbound Lane of Route 29. This property is located on Route 29 (Northbound and Southbound Lanes) near Brightwood, zoned A-1. Final plat has been approved by the Madison Health Department and VDOT. (Pete Elliott, Member, stepped down)

E. W. (Bill) Jordon was present on behalf of the applicant to answer any concerns regarding tonight's request.

Steve Hoffman, adjoining property owner, was present to verbalize support of the request being presented, and feels there has been a tremendous amount of good contributed by Mr. Jordan at the old (Carpenter) chicken coop operation site.

After discussion, the Madison County Planning Commission recommended that Case No. S-06-17-09 be recommended to the Madison County Board of Supervisors for approval.

58-67                      b. Case No. S-06-17-10: Request by Ila D. Weaver for a plat of a subdivision of land to create one (1) lot with residue. This property is located on Route 700 (Wright's Lane), near Radiant, zoned A-1. Final plat has been approved by the Madison Health Department and VDOT.

Bill Gimbel, Surveyor, was present on behalf of the applicant, and advised that a house is already in place at the location.

After discussion, the Madison County Planning Commission recommended that Case S-06-17-10 be recommended to the Madison County Board of Supervisors for approval.

Mr. Yowell, Chair, advised that the next workshop will be scheduled for June 21, 2017 at 7:00 p.m. in the auditorium; session will include a report on the status of:

- Primitive campgrounds
- M-1 & M-2 zones (by the Business Committee)

- Review of comments/suggestions to the latest draft of the Comp Plan (as provided by Peter Work on June 2, 2017)

#### 4. Adjournment

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's session.

#### Board of Supervisors

##### Call to Order

Chairman Jackson called the Madison County Board of Supervisors to order.

##### 1. Determine Presence of a Quorum

Chairman Jackson advised that a quorum was present.

##### 2. Adoption of Agenda

Supervisor McGhee moved that the Board adopt the Agenda as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

##### 3. Action Items:

40-77B

a. Case No. S-06-17-09: Request by O. F. Carpenter Co., LLC....

*E. W. (Bill) Jordan was present to answer any questions pertaining to tonight's request.*

Supervisor Campbell moved the Board approve Case No. S-06-17-09 as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

58-67

b. Case No. S-06-17-16: Request by Ila D. Weaver...

Bill Gimbel, Surveyor, was present on behalf of the applicant, to answer any questions pertaining to tonight's request.

##### Questions from the Board:

- *Supervisor McGhee: Noted there are two (2) entrances and an existing drive on the new parcel, which he assumes is access to the new residue*

Mr. Gimbel advised there is residue of 200+ acres (on both sides of the Price Building).

Supervisor Weakley moved the Board approve Case No. S-06-17-10, as recommended by the Madison County Planning Commission, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

##### 4. Information/Correspondence

Chairman Jackson advised that (as per indicated by Supervisor Campbell), a business is operating in a 'non-compliant' zoned area and is providing auction/retail services in the County. A certified letter has been sent to the business owner (who is thought to reside in Ohio) – the business owner has twelve (12) days to reply.

Betty Grayson, Zoning Administrator, advised that no response has been received from the business owner.

- *Chairman Jackson: Questioned what would be the next step (on the part of the County) in the event the business owner doesn't reply.*

The Zoning Administrator advised that since the individual presumably resides in Ohio, legal advice will need to be sought from the County Attorney.

The County Attorney was present and advised that if an actual legal petition is pending against the business owner, the legal process will need to include the Secretary of the Commonwealth. The process will call for:

- ✓ Contact to be made with the property owner; and a
- ✓ Determine as to whether or not there is evidence of a zoning violation

The Zoning Administrator also provided information on the definition of "Use, brief/seasonal", as described in the County's Zoning Ordinance.

- *Supervisor Campbell: Noted that the County's Zoning Ordinance contains a definition for 'retail store' occupied by two (2) or more people for the sale of goods/services; the business in question is being occupied by two (2) or more people and is selling goods; also noted that signage has been posted (in the community) to advertise the business; suggested the County 'do away with ordinances' if nothing is going to be done on the matter in question; also referred to a concern pertaining to the old Chevrolet building (previously occupied by Joe Henshaw); advised that he will attempt to get a number of the business owner; feels it would be appropriation for "someone in charge go to the property on the weekend to make 'face-to-face contact' ..."*
- *Chairman Jackson: Advised that submitting a letter to the business owner appears to be an appropriate course of action at this time; unsure why the County can't go to the business operator*

The County Attorney clarified that:

- ✓ It's unknown exactly where the business operator currently resides (no address on file)
- ✓ Sometimes a property owner acts as a 'responsible agent' for uses on their property

In closing, he advised that if a violation is found to be in place, the property owner will be held accountable and not the tenant. If contact information is on file for the property owner, the individual will be contacted.

After discussion, Chairman Jackson referred to 'use brief/seasonal' and the fact that this particular use was specifically applicable to Plow & Hearth tent sales.

It was further noted that there was extensive discussion about the aforementioned use (as it pertained to Plow & Hearth) for quite some time.

Pete Elliott, Commission member, referred to issues Daryl Payne has encountered, and the fact that it was suggested that he (Mr. Payne) visit with T.A. Houston in Culpeper. Mr. Houston was contacted, came to review the site, and a drawing was completed to advise of the necessary work required to be compliant with regulations established by the Madison Health Department. A reply was later received from the health department to advise that 'there are no regulations in place for beauty salons.....'

- *Chairman Jackson: Advised that he has reviewed emails from Mr. Houston (advising that a cinderblock septic tank had been leaking for years at the location); digging has been initiated at the site to install a new septic tank; feels that actions taken on the part of the Madison Health Department have been unacceptable; suggested that the County contact Whitney Wright (of the VDH) to see if he can provide some assistance; email from Mr. Houston advised that hair products (i.e. shampoo, rinse, etc.) would not upset the septic system – bleach and concentrations could warrant some considerations; report did show a 'malfunction report' of items that would need to be repaired*
- *Supervisor Weakley: Referred to the maximum allowance (noted in the previous power-point provided by Mr. Wright) regarding turnaround time (i.e. twenty-one [21] days); suggested that Mr. Payne provide contact information to the County Administrator*
- *Supervisor Campbell: Suggested the County forward a letter of complaint to Richmond (regarding the Madison Health Department) [i.e. no representation at meetings to provide any input]; suggested the Board pass the request if Mr. Houston approved the work (despite comments from the Madison Health Department); advised that operations cannot move forward due to the County's Zoning Ordinance requiring approval be attained by the Madison Health Department; feels the Board should be able to approve the applicant to move into the space*

*In regards to Supervisor Campbell's aforementioned request that the County 'pass the request (of work approved by T. A. Houston) despite comments from the Madison Health Department', Chairman Jackson noted there is 'nothing basically 'nothing in place 'to pass' or to 'act' upon (i.e. no application, site plan or special use permit being attained), that has been submitted by Mr. Payne at this time.*

*Mr. Payne advised that a new septic tank has been installed at the site.*

*The Zoning Administrator advised that the property is zoned B-1; when she met with Ms. Pumphrey, it was advised that (to the best of her knowledge) everything was fine, and Ms. Pumphrey was advised to contact the Madison Health Department and the Building Official.*

After discussion, the County Attorney concluded that the 'hold up (for Mr. Payne)' is the Commonwealth of Virginia and not Madison County.

The Zoning Administrator advised that everything was in order (regarding Mr. Payne's request); however, she questioned if a

building permit had been issued by the Building Permit.

Mr. Payne advised that he has applied for a repair permit (for the septic system).

- *Chairman Jackson: Suggested the County Administrator be asked to contact the Virginia Department of Health to see what needs to be done to expedite tonight's process; also advised that State regulations are different from County regulations; feels if items are fixed, they will remain in place for several years; reference was also made regarding an email dated May 3'2017 from the VDH regarding the submittal for a septic system update*
- *Supervisor Campbell: Suggested that: 1) Tom Houston be asked to provide a letter of acceptance (for Mr. Payne) to state that all work has been done in accordance to his recommendations: 2) Said letter of acceptance be brought to the County; and 3) the Board approve the request (being sought by Mr. Payne); doesn't feel that approval is needed (by the County) from the Madison Health Department*
- *Supervisor Weakley: Referenced the language contained in the County's Zoning Ordinance (pertaining to the Madison Health Department) verbalized agreement to let the County Administrator communicate with VDH representatives and cite the 21-day maximum and assess where today's process is headed*

*Mr. Elliott: Questioned how the Madison Health Department imposed a regulation when there's no documentation in place for the particular use (i.e. beauty salon)*

Mr. Payne advised that no one (from VDH) has visited the site to view the work that has been done to date; feels the improvements should be satisfactory to the VDH.

Gerry Stephenson, Commission member, advised that the funeral of Mr. Paul Beeler, WWI Veteran. Accolades were provided to the Sheriff's Office regarding the way local law enforcement handled the funeral procession through the County and to the Culpeper County line. However, once the funeral procession reached the Culpeper County line, things were poorly managed all the way to the interment at the Culpeper National Cemetery.

Board discussions focused on whether funeral processions for local Veterans should be:

- Coordinated with the local American Legion in the future to ensure the process is handled appropriately
- Whether the Sheriff could be asked about techniques and/or protocol to ensure joint cooperation is provided by law enforcement in neighboring jurisdictions

## **5. Closed Session (if necessary)**

## **6. Adjournment**

With no further action being required, on motion of Supervisor Campbell, seconded by Supervisor Hoffman, Chairman Jackson adjourned the meeting.

---

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: June 13, 2017

Copies: Board of Supervisors, County Attorney & Constitutional Officers

\*\*\*\*\*



**Agenda**  
**Joint Meeting and Public Hearing**  
**Madison County Board of Supervisors**  
**Wednesday, June 7, 2017 at 7:00 p.m.**  
**Madison County Administration Building, Auditorium**  
**414 N Main Street, Madison, Virginia 22727**



1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

40-77B

a. Case No. S-06-17-09: Request by O. F. Carpenter Co., LLC for a plat of a subdivision of land to create one (1) lot with residue. The residue of 40-77B is on the Northbound Lane of Route 29. The new lot will be on the Southbound Lane of Route 29. This property is located on Route 29 (Northbound and Southbound Lanes) near Brightwood, zoned A-1.

58-67

b. Case No. S-06-17-10: Request by Ila D. Weaver for a plat of a subdivision of land to create one (1) lot with residue. This property is located on Route 700 (Wright's Lane), near Radiant.

4. Adjournment

**Board of Supervisors**

Call to Order

1. Determine Presence of a Quorum
2. Adoption of Agenda
3. Action Items:

40-77B

a. Case No. S-06-17-09: Request by O. F. Carpenter Co., LLC...

58-67

b. Case No. S-06-17-10: Request by Ila D. Weaver...

4. Information/Correspondence (if any)
5. Closed Session (if necessary)
6. Adjournment